

ADOPTED 10/26/89

APPLICATION OF VIVIENDAS ASSOCIATES FOR APPROVAL OF A
THIRD AMENDMENT TO ITS APPLICATION FOR AUTHORIZATION
AND APPROVAL OF A PROJECT UNDER MASSACHUSETTS GENERAL
LAWS CHAPTER 121A AND CHAPTER 652 OF THE ACTS OF
1960, AS AMENDED, AND FOR CONSENT TO THE FORMATION OF
VIVIENDAS ASSOCIATES

On August 15, 1974, the Boston Redevelopment Authority (the "Authority") approved the Report and Decision authorizing and approving the application (the "Application") filed by Liz Cuadrado, Mario Clavell and E.T.C. Developers, Inc. on behalf of Vivienidas Associates for approval of the Vivienidas La Victoria I project under Chapter 121A of the General Laws and Chapter 652 of the Acts of 1960, as amended; that Application was subsequently amended by a First Amendment approved by a Report and Decision of the Authority on May 1, 1975, and by a Second Amendment approved by a Report and Decision of the Authority on October 21, 1976.

The undersigned Vivienidas Associates (the "Applicant") hereby applies to the Authority pursuant to Chapter 121A of the General Laws, Chapter 652 of the Acts of 1960 and the Rules and Regulations of the Authority, all as amended, for approval by the Authority of a Third Amendment to the Application approved by a Report and Decision of the Authority on August 15, 1974, as previously amended. By this Application, the Applicant requests the following specific changes to the Application, as amended, and the August 15, 1974, Report and Decision of the Authority:

1. Amend the description of the Project by adding thereto the following new paragraph:

"In addition, portions of Parcel 19a-1 may be used as a permanent driveway and access ramp for vehicular and pedestrian travel between Paseo Aquadilla and the below grade parking facility to be located at 640 Tremont Street and as a permanent walkway for pedestrian access and egress from the southern portion of 640 Tremont Street to Paseo Aquadilla to the northeast and West Brookline Street to the southwest. Such driveway, ramp and walkway may be located on Parcel 19a-1 approximately in the area labelled "Access Easement" on the plan dated September 29, 1989, entitled "Topographic Plan" prepared by Linenthal Eisenberg Anderson Inc., a reduced copy of which is attached hereto, and Vivienidas Associates may grant such temporary and permanent easements to the redeveloper of 640 Tremont Street as may be appropriate for such uses."

The purpose of this amendment is to enable Inquilinos Boricuas en Accion, Inc. ("IBA") and/or IBA's subsidiary,

Taino Tower Development Corporation ("Taino"), to obtain the necessary permanent and temporary easements needed for the renovation of the burnt-out remains of the former Shawmut Congregational Church located at 640 Tremont Street into 27 condominium units, some ground floor commercial space and a below-grade parking facility under Phase I of the Authority's South End Neighborhood Housing Initiative ("SENHI") Program. Such SENHI project being undertaken by IBA and/or Taino as hereinafter referred to as the "640 Tremont Project."

2. Amend the list of permitted deviations from the Boston Zoning Code required for the Project by adding thereto the following additional zoning deviations:

a. Deviation from Section 8-7 (Use Item 59 - Parking Garage) and other applicable sections of the Boston Zoning Code to permit portions of Parcel 19a-1 to be used for driveway, access ramp serving and connected to below-grade parking facility for the 640 Tremont Street Project.

b. Deviations from Articles 13, 18, 19 and 20 (Yard Requirements) of the Boston Zoning Code to eliminate any yard requirements along any of the lot lines to permit portions of Parcel 19a-1 to be used for a driveway, access ramp and walkway for the 640 Tremont Street Project.

c. Deviations from Article 17 (Open Space) of the Boston Zoning Code to the extent necessary to permit portions of Parcel 19a-1 to be used for a driveway, access ramp and walkway for the 640 Tremont Street Project.

d. To amend the existing zoning deviation from the requirements under Section 23-1 of the Boston Zoning Code for 24 parking spaces for the residential uses of Parcel 19a-2. Due to the proposed construction of the driveway and access ramp on Parcel 19a-1 for the 640 Tremont Street Project, only 20 on-street parking spaces will remain provided on the two loop access streets in the Project Area.

The purpose of this amendment is twofold. First, to permit the use of a portion of Parcel 19a-1 as a driveway and access ramp for 640 Tremont Street's below-grade parking facility. Second, to insure that the construction of such driveway and access ramp does not cause the portions of the Project to violate zoning.

Executed as of this 19th day of October, 1989.

VIVIENDAS ASSOCIATES

By E.T.C. Developers, Inc.
Its General Partner

By Jose Ruiz
Its President

COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss.

October 19, 1989

, Then personally appeared the above-named Jose Ruiz,
the President of E.T.C. Developers, Inc., General Partner
of Vivendas Associates, and acknowledged the foregoing
instrument to be his free act and deed and the free act and
deed of E.T.C. Developers, Inc., as General Partner, before me

Dennis J. [Signature]
Notary Public
My commission expires: 7/26/96

BOSTON REDEVELOPMENT AUTHORITY

REPORT AND DECISION ON THE THIRD AMENDMENT TO THE APPLICATION OF VIVIENDAS ASSOCIATES FOR THE AUTHORIZATION AND APPROVAL OF A PROJECT UNDER MASSACHUSETTS GENERAL LAWS (TER. ED.) CHAPTER 121A, AND CHAPTER 652 OF THE ACTS OF 1960, AS AMENDED, AND FOR THE CONSENT TO THE FORMATION OF VIVIENDAS ASSOCIATES

Prior Proceedings. On August 15, 1974, the Boston Redevelopment Authority (the "Authority") approved the Report and Decision (the "Report and Decision") authorizing and approving the application filed by Liz Cuadrado, Mario Clavell and E.T.C. Developers, Inc. on behalf of Viviendas Associates for approval of the Viviendas La Victoria I project under Chapter 121A of the General Laws and Chapter 652 of the Acts of 1960, as amended: that Application was subsequently amended by a First Amendment approved by a Report and Decision of the Authority on May 1, 1975, and by a Second Amendment approved by a Report and Decision of the Authority on October 21, 1976. The Mayor of the City of Boston approved these votes of the Authority on August 26, 1974, June 10, 1975, and October 28, 1976, respectively. Certificates of these votes and mayoral approvals were filed with the office of the Boston City Clerk on September 3, 1974, June 18, 1975, and November 4, 1976, respectively.

The Project. The Project has been complete for over ten years and consists of approximately 181 units of low cost moderate income housing and certain laundry, lounge, day care and other community facilities located in Parcels 19a-1, 19a-2, 19a-3, 19a-4, 19a-5, 19a-6(a), 19a-6(b) and Lot 3 on Land Court Plan No. 23065-C.

The Application. On October 24, 1989, Viviendas Associates submitted a request to amend its original Chapter 121A Application and the Authority's original Report and Decision approving that Application (the "Application") to permit portions of Parcel 19a-1 to be used for a driveway, access ramp and walkway necessary for the renovation by Viviendas Associates' affiliates, Inquilinos Boricuas en Accion, Inc. and/or Taino Tower Development Corporation, of the burnt-out remains of the former Shawmut Congregational Church located at 640 Tremont Street into 27 condominium units, some ground floor commercial space, and a below-grade parking facility under Phase I of the Authority's South End Neighborhood Housing Initiative ("SENHI") program.

Authority Action. Before making the findings and determinations herein below set forth and approving the Application, the Authority has considered the application itself, all documents and exhibits filed with it or referred to in it, the considered recommendation by the Authority's staff, and the

Based on the foregoing, the Authority makes the following findings and determinations:

A. Approval of Application. The Authority hereby approves and consents to the Third Amendment to the Application of Vivendas Associates as requested in the Application.

B. No fundamental Change in the Project. The Authority hereby finds that none of the matters contemplated by the Application constitutes a fundamental change in the Project or in the type and character of the buildings of the Project.

C. Zoning Deviations. Notwithstanding the zoning code deviations granted in the Report and Decision, the Authority hereby finds and determine that those additional deviations from the Boston Zoning Code, as amended, set forth in Exhibit "A", attached hereto and incorporated as a part hereof, are necessary for carrying out of Project as revised by this Third Amendment and therefore are granted without substantially derogating from the intent and purpose of applicable laws, codes, ordinances and regulations, respectively.

D. Effect on Environment. The Authority hereby finds that the requested changes to the Project will have no adverse effect on the environment, and that all practicable and feasible means and measures have been taken, or will be utilized to avoid or minimize any damage to the Project. In particular, such changes do not significantly increase any of the environmental consequences of the Project that have previously been evaluated by the authority.

In the opinion of the Chief General Counsel's Office, this Third Amendment does not represent a fundamental change to the Project and does not require a public hearing.

ATTACH AN EXHIBIT "A" REPEATING THE DEVIATIONS LISTED IN THE APPLICATION

PROJECT FACT SHEET

1. PARCEL OR PROJECT NAME:

640 Tremont Street, Parcel SE-116

2. PROJECT MANAGER/TEAM:

Maria Faria
Thomas O'Malley
Ralph Cahill

3. DEVELOPER/ADDRESS:

Inquilinos Boricás En Acción (IBA)
405 Shawmut Avenue
Boston, MA 02118

4. SITE LOCATION:

640 Tremont Street is located on the Southeast corner of Tremont Street and West Brookline Street.

5. PARCEL DESCRIPTION:

Parcel SE-116 consists of about 12,960 square feet of land. The site formerly housed the Shawmut Congregational Church (circa 1864). Only the tower and the first floor walls remain after a December, 1978 fire. The area of the footprint of the former church is approximately 9450 square feet. This will also be the footprint of the new structure to be built on the site.

6. ACTION REQUESTED:

This memorandum requests that the BRA approve a third amendment to the application for Chapter 121A approval to Viviendas Associates for a minor modification to allow access driveway and ramp for 640 Tremont Street project of Taino Tower Development Corporation under South End Neighborhood Housing Initiative Program.

To allow access to driveway and ramp for 640 Tremont Street, it is necessary to amend Viviendas Associates application for Chapter 121A.

The BRA staff architect has reviewed and approved the proposed driveway access ramp.

7. PREVIOUS BOARD ACTIONS:

- A. On October 8, 1987, the Board granted tentative designation to IBA as redeveloper of Parcel SE-116.
- B. On December 3, 1987, Board authorized the Director to enter into a loan contract for up to \$60,000 to defray the cost of clean up and debris removal from Parcel SE-116.

- C. On May 26, 1988, the Board authorized the Director to grant a first mortgage lien on Parcel SE-116 as collateral security for IBA's preconstruction lenders.
- D. On August 18, 1988, the Housing Creation proposal for 640 Tremont Street was approved for a linkage commitment at a present value amount of \$500,000. Federal Development, Inc., the developer of 150 Federal Street, is obligated to make 12 annual Housing payments in amounts of \$182,083 each.
- E. On March 23, 1989, the Board authorized the Director to convert the \$60,000 loan which was approved at the December 3, 1987 Board meeting to a recoverable grant which was advanced to IBA for site clearance.
- F. On April 17, 1989, the Board recommended approval to the Zoning Board of Appeals regrading zoning referral #Z-12864 for 7 variances and 3 forbidden use permits necessary to develop 640 Tremont Street.
- G. On July 27, 1989, the BRA voted to provide a grant of \$262,000 to IBA from the Urgent Needs funding for the soft costs associated with the development of 640 Tremont Street. On September 28, 1989, the IBA received final designation as redeveloper of Parcel SE-116.
- H. On September 28, 1989, IBA received final designation as redeveloper of Parcel SE-116.

8. DEVELOPMENT PROGRAM:

Inquilinos Boricuas en Accion, Inc. intends to redevelop a partially demolished brick structure on Parcel SE-116 into approximately 27 residential condominium units and approximately 3,650 square feet of commercial space, with approximately 21 off-street parking spaces.

9. TOTAL DEVELOPMENT COSTS:

The total development cost has been estimated at \$4,326,578.

10. ZONING:

Zoning Board of Appeals approved IBA's variances and permits, with provisos, on May 30, 1989.

11. DESIGN:

Working Drawings and Specifications have been approved.

12. FAIR HOUSING PLAN:

IBA is working with Smith to finalize the Marketing Plan.

13. COMMUNITY REVIEW:

Community meetings were held on August 20, 1987, January 14, 1988 and August 8, 1988 and in December, 1988, to review the architectural design of the building. The concerns have been addressed by IBA.

14. NOTIFICATION OF MONS:

The Mayor's Office of Neighborhood Services has been notified concerning this Board Memorandum.

15. TRANSPORTATION ACCESS PLAN:

A plan is not required for this project.

16. CENTRAL REGISTER NOTICE:

Notice appeared in the Central Registry, on June 30, 1987.

17. BRA APPRAISAL:

Acquisition price is \$19,500.

18. ENVIRONMENTAL CLEARANCE:

N/A

MF2.003

EXHIBIT A

Amend the list of permitted deviations from the Boston Zoning Code required for the Project by adding thereto the following additional zoning deviations,

a. Deviation from Section 8-7 (Use Item 59 - Parking Garage) and other applicable sections of the Boston Zoning code to permit portions of Parcel 19a-1 to be used for driveway, access ramp serving and connected to below-grade parking facility for the 640 Tremont Street Project.

b. Deviations from Articles 13, 18, 19 and 20 Yard Requirements of the Boston Zoning Code to eliminate any yard requirements along any of the lot lines to permit portions of Parcel 19a-1 to be used for a driveway, access ramp and walkway for the 640 Tremont Street Project.

c. Deviations from Article 17 (Open Space) of the Boston Zoning Code to the extent necessary to permit portions of Parcel 19a-1 to be used for a driveway, access ramp and walkway for the 640 Tremont Street Project.

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MEMORANDUM

OCTOBER 26, 1989

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TO: BOSTON REDEVELOPMENT AUTHORITY AND
STEPHEN COYLE, DIRECTOR

FROM: THOMAS O'MALLEY ACTING ASSISTANT DIRECTOR
FOR NEIGHBORHOOD HOUSING AND DEVELOPMENT
MARIA FARIA, SENIOR PROJECT MANAGER

SUBJECT: SOUTH END URBAN RENEWAL AREA, PROJECT NO. MASS. R-56
REPORT AND DECISION ON THIRD AMENDMENT TO THE
APPLICATION FOR CHAPTER 121A APPROVAL TO VIVIENDAS
ASSOCIATES FOR A MINOR MODIFICATION TO ALLOW ACCESS
DRIVEWAY AND RAMP FOR 640 TREMONT STREET PROJECT OF
TAINO TOWER DEVELOPMENT CORPORATION UNDER SOUTH END
NEIGHBORHOOD HOUSING INITIATIVE PROGRAM

SUMMARY: THIS MEMORANDUM REQUESTS THAT THE BRA APPROVE A THIRD
AMENDMENT TO THE APPLICATION FOR CHAPTER 121A APPROVAL
TO VIVIENDAS ASSOCIATES FOR A MINOR MODIFICATION TO
ALLOW ACCESS DRIVEWAY AND RAMP FOR 640 TREMONT STREET
PROJECT OF TAINO TOWER DEVELOPMENT CORPORATION UNDER
SOUTH END NEIGHBORHOOD HOUSING INITIATIVE PROGRAM

Viviendas Associates is requesting approval from the Boston Redevelopment Authority (BRA) for a Third Amendment to its Application ("the Application") for approval of the Viviendas Associates project under Chapter 121A of the General Laws and Chapter 652 of the Acts of 1960 ("the Project"). The Project has been complete for over ten years and consists of approximately 181 units of low- cost moderate-income housing and certain laundry, lounge, day care and other community facilities on Parcels 19a-1, 19a-2, 19a-3, 19a-4, 19a-5, 19a-6(a), 19a-6(b), Lot 3 on Land Court Plan No. 23065-C in the South End.

On August 15, 1974, the BRA voted to adopt the Report and Decision on the Application for approval of the Project. The Application was subsequently amended by Reports and Decisions on May 1, 1975, and October 21, 1976. Those amendments primarily contained the substitution of general partners and the addition of a small parcel to the Project Area.

This application seeks the approval of the BRA for amendments that will allow Viviendas Associates to grant easements on Parcel 19a-1 to its affiliate, Inquilinos Boricuas en Accion, Inc. ("IBA") and/or IBA's subsidiary, Taino Tower Development Corporation ("Taino") necessary for the renovation of the burnt-out remains of the former Shawmut Congregational Church, located at 640 Tremont Street into 27 condominium units, 3650 of ground floor commercial space, and 21 below-grade parking spaces. Of the 27 condominium units, this project will make available 18

affordable units for low- and moderate-income families under Phase I of the BRA's South End Neighborhood Housing Initiative ("SENHI") Program.

In return for Viviendas Associates' grant of the easements, IBA and/or Taino will make landscaping improvements on the remaining portions of Parcel 19a-1, substantially upgrading and improving Parcel 19-a-1.

In the opinion of the Chief General Counsel, this amendment does not represent a fundamental change and does not require a public hearing.

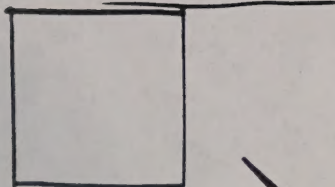
The BRA's staff has reviewed and approved the plan of the approximate location of the proposed driveway access ramp and walkways. The proposed landscaping improvements to the remaining portions of Parcel 19a-1 will be subject to design review by the BRA's staff. We, therefore, recommend that the BRA adopt the Third Amendment to the Application for approval of the Viviendas Associates' Project.

Appropriate votes follows:

VOTED: That the document presented at this meeting entitled "Report and Decision on the Third Amendment to the Application of Viviendas Associates for the Authorization and Approval of the Project under Massachusetts General Laws (Tr. Ed.) Chapter 121A and Chapter 652 of the Acts of 1960, as amended, and for the Consent to the Formation of Viviendas Associates" be, and hereby is, approved and adopted;

AND

VOTED: That a fee waiver under Rule One, Section D of the "Rules and Regulations Governing Chapter 121A Projects In The City of Boston", as amended through January 16, 1985, is hereby approved thereby waiving the payment of a fee of \$2,500 for the filing of the Application for a Third Amendment to the Report and Decision Viviendas Associates Project.



NOT TO SCALE
THIS PLAN IS FOR INFORMATION ONLY
AND DOES NOT REPRESENT A GUARANTEE
OF THE ACCURACY OF THE INFORMATION
CONTAINED HEREIN.

2/2/82



PLAN OF LAND BOSTON, MASS.

PREPARED FOR: BOSTON LAND
DEVELOPMENT ASSOCIATION

SCALE: 1" = 10' DEPT. 15, 1989
LAWRENCE, MASS. ASSOCIATION, INC.
70 HORTLAND ST. BOSTON, MASS. 02111

RECORD DEPT. PLANS
RECORD OCT 1989

